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The handbook is intended as a reference on New York state aid for special education for local school districts, Boards of Cooperative Educational Services, and private schools. An introduction traces the history of special education legislation within the state. Succeeding chapters touch upon determination of pupil placement for educational programs, state aid categories, and public and private excess cost aid. The next eight chapters address state aid for pupils with handicapping conditions in the following settings: private schools, state supported and state operated schools, community-based foster care programs, developmental centers, psychiatric centers operated by the Office of Mental Health, intermediate care facilities for the mentally retarded and developmenally disabled, child care institutions, and residential treatment facilities. Concluding sections discuss federal aid for pupils with handicapping conditions, procedures for requesting approval, state sources of information, and pertinent laws and regulations. (CL)

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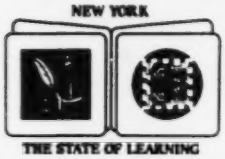
HANDBOOK ON STATE AID FOR PUPILS WITH HANDICAPPING CONDITIONS



The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Bureau of State Aided Programs
Albany, New York 12234

September, 1985

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FOREWORD

In recent years much attention has been centered on education for children with handicapping conditions. The result has been a maze of Education Law, Commissioner of Education Regulations, and aid formulas which are, at best, highly complicated and often confusing even to the most knowledgeable educator. This handbook has been prepared in an attempt to summarize and simplify the important factors regarding State aid for programs for children with handicapping conditions.

Local school districts, Boards of Cooperative Educational Services, and private schools should find this handbook an easy reference. It should be especially useful to school district business officials, program directors and related clerical staff. Chief school administrators and the layman should also find it interesting and useful.

Major responsibility for the contents and preparation of this handbook has been assumed by Mr. C. James Coffin, Associate in School Financial Aid, Bureau of State Aided Programs.

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I

INTRODUCTION

Historically, New York State has always been concerned with the education of all its children. With the passage of Chapter 241 of the Laws of 1974, it became evident that an increased awareness existed regarding the unique educational needs of the State's children with handicapping conditions. Since then these children have been the focal point of much new legislation providing educational programs, services and funding to meet such needs.

The overall effect of this new legislation has been the implementation of a streamlined and much more efficient system for the delivery of educational programs and services to children with handicapping conditions. Changes have been made to previous methods of funding such education. In some instances entirely new aid formulas have been created and financial resources available have increased accordingly.

Chapter 241 of the Laws of 1974 provided additional weighting of the attendance of pupils with handicapping conditions in the public schools for the purpose of computing Operating Aid. It also provided special aid to the Big 5 city school districts (New York City, Buffalo, Rochester, Yonkers, and Syracuse) for pupils with severely hanndicapping conditions.

Two years later, Chapter 853 of the Laws of 1976 provided for payment of Excess Cost Aid to local public school districts for children with handicapping conditions in attendance in private schools.

Chapter 47 of the Laws of 1977, provided for the education and reimbursement of instructional costs for mentally retarded children placed by the Department of Mental Hygiene in a family home at board, a duly incorporated orphan asylum or other institution for the care, custody and treatment of children.

Two laws were enacted in 1978 affecting the education of children with handicapping conditions. The first, Chapter 786, provided for the payment of Excess Cost Aid for such pupils in attendance in public schools or in BOCES. The second, Chapter 66, provided for the education and reimbursement of instructional costs for mentally retarded children residing in schools operated by the Office of Mental Retardation and Developmental Disabilities.

Chapter 721 of the Laws of 1979 provided for the education and reimbursement of both instructional and transportation costs for children residing in an Intermediate Care Facility for the developmentally disabled.

The Institutional Schools Act, Chapter 563 of the Laws of 1980, repealed Article 81 of the Education Law and replaced it with a new Article 81 which guarantees that all children who are in a child care institution have a free and appropriate education in the least restrictive environment.

In 1981, Chapter 947 was passed and provided for the evaluation of the educational needs of children placed in residential inpatient psychiatric treatment facilities and assigned responsibility for the cost of educational services being provided for such children.

Finally, in the last several years, amendments were also made to subdivision 19, Section 3602 of the Education Law which provided for changes in the computation of Public Excess Cost Aid. As a result of these changes, extensive revisions of the Commissioner's Regulations, Part 200, have been promulgated.

Because school district and BOCES administrators, board members, program personnel, parents and lay persons have found it difficult to keep up with and to understand these numerous changes, many problems and questions have arisen over the responsibility for, the nature of, and the funding sources for children with handicapping conditions. Hopefully, this handbook will help to clarify the administration of all such programs.

II

DETERMINATION OF PUPIL PLACEMENT FOR EDUCATIONAL PROGRAMS

The type of program in which a pupil with handicapping conditions is placed is fundamental in determining State Aid. The school district's Committee on the Handicapped is responsible for recommending the best possible program and least restricted environment for the pupil. Placement may be in any of the following categories:

1. Home District
2. Another public school district
3. BOCES
4. Special Act School District
5. Private school (in-state)
6. Private school (out-of-state)
7. State supported school for the deaf
8. State supported school for the blind
9. State operated school for the deaf (Rome)
10. State operated school for the blind (Batavia)

III

STATE AID CATEGORIES

State Aid for programs for pupils with handicapping conditions takes several forms. It is dependent not only on services provided but on the type of placement as well. The State may pay aid to a public school district or directly to a special school for children with handicapping conditions.

A. Aid to school district of residence

1. Excess Cost Aid for public school and BOCES pupils
2. Excess Cost Aid for private school pupils
3. Full tuition for handicapped pupils who are residents of group homes
4. Full tuition for pupils who are residents of an Office of Mental Retardation and Developmentally Disabilities School educated by a public school district

B. Direct payment by the State Education Department to a special school for children with handicapping conditions.

1. Pupils in state-supported schools
2. Pupils in out-of-state schools
3. Pupils in the New York School for Deaf (Rome)
4. Pupils in the New York School for Blind (Batavia)

C. Direct payment by the State Education Department to Intermediate Care Facilities

IV

PUBLIC EXCESS COST AID FOR PUPILS WITH HANDICAPPING CONDITIONS ATTENDING PUBLIC SCHOOL PROGRAMS

INTRODUCTION

Public Excess Cost Aid became possible through passage of legislation in 1978. In 1978-79, 1979-80, and continuing with various amendments in 1980-81, aid became payable for those children with handicapping conditions placed in:

1) Programs operated by the pupil's district of residence;

2) Programs operated by BOCES for pupils with handicapping conditions; and

3) Programs operated by public school districts other than the district of residence of the pupil with handicapping conditions.

A. AID FACTORS FOR PUPILS WITH HANDICAPPING CONDITIONS ELIGIBLE FOR PUBLIC EXCESS COST AID

1. Pupils Placed in District Operated Programs

   a. The pupil is counted in Average Daily Attendance (ADA) in order to generate Operating Aid.

   b. The pupil is counted in Full-Time Equivalent Enrollment (FTE) and weighted by intensity of service to generate Public Excess Cost Aid.

   c. The ADA and FTE enrollment data necessary for generating Operating Aid and Public Excess Cost Aid are developed on Form SA-129, Parts I and II (Attendance Report and Worksheet).

   d. Operating Aid is claimed on Form SA-124 (General Formula Aid Worksheet).

   e. Public Excess Cost Aid is claimed on Form SA-786 (Public Excess Cost Aid Worksheet) and Form SA-786-1 (Additional Apportionment for High Cost Handicapped Children).

   f. Operating Aid and Public Excess Cost Aid are paid in the year following the year of attendance.

g. The services provided each child must have prior approval of the Committee on the Handicapped. Children to be provided services defined as high cost programs must be approved on Form STAC-3. Such approvals may be requested via Form STAC-1 submitted annually to State Education Department, Office for the Education of Children With Handicapping Conditions.

2. Pupils Placed in Other Public School District Programs

a. The pupil is counted in ADA by the educating district to generate Operating Aid.

b. The pupil is counted in FTE enrollment and weighted by intensity of service to generate Public Excess Cost Aid for the district of residence.

c. The educating district charges tuition to the district of residence after "netting out" the Operating Aid earned by the inclusion of the pupil in its ADA.

d. The educating district includes the pupil in the computation of ADA on Form SA-129, Part I (Attendance Report and Worksheet).

e. The district of residence includes the FTE enrollment data of the pupil on the Form SA-129, Part II (Attendance Report and Worksheet).

f. The educating district claims Operating Aid on Form SA-124 (General Formula Aid Worksheet).

g. The district of residence claims Public Excess Cost Aid on Form SA-786 (Public Excess Cost Worksheet) and SA-786-1 (Additional Apportionment for High Cost Handicapped Children).

h. The Operating Aid and Public Excess Cost Aid are paid in the year following the year of attendance.

i. The services provided each child must have the prior approval of the Committee on the Handicapped and all children to be provided services defined as high cost programs must appear on Form STAC-1, submitted annually to State Education Department, Office for the Education of Children with Handicapping Conditions.

3. Pupils Placed in BOCES Operated Programs

a. Programs and services provided to pupils with handicapping conditions do not generate BOCES Aid.

b. Programs and services must continue to be included on the COSER and on BOCES contracts.

c. The pupil is counted in the ADA of the district sending the pupil to the BOCES on Form SA-129, Part II, in order to generate Operating Aid as computed on the SA-124.

d. The pupil is counted in FTE and weighted by intensity of service by the district of residence on Form SA-129, Part II in order to generate Public Excess Cost Aid.

e. The district of residence claims Public Excess Cost Aid on Form SA-786 and Form SA-786-1.

f. If the district sending the pupil to the BOCES is not the district of residence of the pupil, the sending district charges tuition to the district of residence after deducting from the BOCES tuition bill the ADA aid being generated by that pupil as a result of having been included in the sending district's ADA.

B. FORMULA FOR PUBLIC EXCESS COST AID

The formula for computing Public Excess Cost Aid is:

Approved Operating Expense Per Total Aidable Pupil Unit (AOE/TAPU)	X	Public Excess Cost Aid Ratio	X	Resident Weighted Pupils with Handicapping Conditions

Approved Operating Expense (AOE) per TAPU is the base year AOE divided by the base year TAPU which includes pupils with handicapping conditions. For aid purposes during the 1985-86 aid year, AOE per pupil cannot be less than $2000 nor more than $3500 per pupil. These limits are subject to change annually through legislative action.

The Public Excess Cost Aid Ratio is computed as follows:

$$1.000 - \left(\text{Combined Wealth Ratio} \times .51\right) = \text{Public Excess Cost Aid Ratio}$$

For the district of average wealth, based on this aid ratio, the State's share of expenses, is 49% and the district's share is 51%. As the wealth of a district increases the State's share of expenses decreases, with the State share dropping to a minimum of 25%. No district may receive less than 25% of approved expenses.

Resident Weighted Pupils with Handicapping Conditions is determined by applying a weighting to each resident handicapped pupil based on the intensity of service being provided to that child. The weightings are as follows:

1.7 Wt. : Pupils spending 60% or more of a day in a special class, service or program.

.90 Wt. : Pupils spending 20% or more of the school week in a resource room, special service or program.

.13 Wt. : Pupils spending 2 or more periods per week in special speech instruction or other special program or service.

C. ADDITIONAL APPORTIONMENT FOR HIGH COST HANDICAPPED CHILDREN

An additional apportionment is available for those pupils with handicapping conditions in public placement who are determined to be "High Cost" pupils. A pupil with handicapping conditions is determined to be high cost if the cost of educating that pupil in programs and services as prescribed by the Committee on the Handicapped, exceeds three (3) times the district's anticipated approved operating expense per total aidable pupil unit and also exceeds the lesser of:

(1) $10,000, or

(2) 4 times the approved operating expense per pupil without limits.

The "High Cost Apportionment" is computed by multiplying the Public Excess Cost Aid ratio of the district of residence, as computed above, by the amount by which the cost of educating a pupil exceeds 3 times the district's approved operating expense per pupil without limits.

D. STATE AID WORKSHEETS NECESSARY

1. SA-124: General Formula Aid Worksheet
2. SA-129, Part I: Attendance Report and Worksheet
3. SA-129, Part II: Attendance Report and Worksheet
4. SA-786: Public Excess Cost Aid Worksheet
5. SA-786-1: Additional Apportionment for High Cost Handicapped Children
6. SA-122: Operating Expenses Worksheet

E. LAWS AND REGULATIONS

Education Law:
Section 3602: Subdivision 19

Regulations of the Commissioner:
Part 175, Section 175.11
Part 200

V

PRIVATE EXCESS COST AID FOR PUPILS WITH HANDICAPPING CONDITIONS ATTENDING PRIVATE SCHOOL PROGRAMS

INTRODUCTION

Private Excess Cost Aid became possible with the passage of Chapter 853 of the Laws of 1976. The costs for contracting with private schools for the education of pupils with handicapping conditions became aidable commencing with the 1976-77 school year.

Excess cost, for purposes of this formula, is defined as the cost remaining after Operating Aid, Additional Aid for Section 4402 Pupils and the Basic Contribution (tax levy funds) have been deducted from the approved tuition charge.

A. PLACEMENT FACTORS FOR PUPILS WITH HANDICAPPING CONDITIONS ELIGIBLE FOR PRIVATE EXCESS COST AID (Section 4402 Pupils)

1. The program for all private schools educating pupils with handicapping conditions must be approved by the State Education Department before that program can qualify for State Aid through the Private Excess Cost Aid formula.
2. The Office for the Education of Children with Handicapping Conditions in the State Education Department approves a tuition rate annually for each private school educating pupils with handicapping conditions.
3. A public school district wishing to place a pupil with handicapping conditions in a private school must negotiate an annual contract with that private school. The tuition rate for aid purposes may not exceed the State-approved tuition rate.
4. The public school district of residence must report each student annually to the State Education Department on Form STAC-1. The STAC-3 is the form by which the State Education Department approves a pupil's placement for one year in a private school. If the placement is not approved by the State Education Department, it is not eligible for aid.

B. AID FACTORS FOR PUPILS WITH HANDICAPPING CONDITIONS ELIGIBLE FOR PRIVATE EXCESS COST AID (Section 4402 Pupils)

1. The school district which contracts with the private school computes the enrollment of each pupil annually for State Aid purposes. The district of residence is usually the contracting district.
2. Each pupil in private school placement (other than pupils placed according to Section VIII or Section XI of this report) generates three types of aid: Operating Aid, Additional Aid for Section 4402 Pupils, and Private Excess Cost Aid.
3. Each pupil in private school placement is included in the total adjusted ADA of the contracting district through a full-time equivalent enrollment, computed on the Enrollment Computation Guide for Individual Handicapped Pupils and transferred to Form SA-129, Part II (Attendance Report and Worksheet).
4. The adjusted ADA which includes pupils with handicapping conditions in private school placement, becomes part of the Total Aidable Pupil Unit count on Form SA-124, General Formula Aid Worksheet, thereby generating Operating Aid.
5. Each pupil generates Additional Aid for Section 4402 pupils. This is the equivalent of an additional weighting for Operating Aid, and is computed on Form SA-124 in the following manner:

$$\frac{\text{Operating Expense Aid Payable}}{\text{Selected TAPU for Formula Aid}} = \text{Operating Expense Aid Per TAPU}$$

$$\text{Operating Expense Aid Per TAPU} \times \text{Section 4402 Pupils Eligible for Private Excess Cost Aid} = \text{Additional Section 4402 Pupils}$$

6. Private Excess Cost Aid is computed on the Form SA-124EC. On this form both the excess cost and the aid based on the excess cost are computed.
7. Private Excess Cost Aid as well as all Operating Aid is generated in the year following the year of attendance.

C. FORMULA FOR PRIVATE EXCESS COST AID

The Private Excess Cost aid formula is as follows:

1. $$\text{Excess Cost} = \text{Approved Tuition} - \left(\text{Operating Aid Per Pupil} + \text{Additional Aid Per Pupil for Section 4402 Pupils} + \text{Local Tax Levy Per TWPU}\right)$$

2. Private Excess Cost Aid = Excess Cost X Private Excess Cost Aid Ratio

3. The Private Excess Cost Aid Ratio is computed as follows:

$$\text{Private Excess Cost Aid Ratio} = 1.000 - \left(\text{Combined Wealth Ratio} \times .15\right)$$

The district of average wealth receives 85% of its per pupil excess cost from State Aid and contributes 15% from local tax levy funds. As the wealth of the district decreases, aid increases. As the wealth of the district increases, aid decreases. However, no district may receive aid less than 50% of approved excess cost.

D. STATE AID WORKSHEETS NECESSARY

1. SA-124: General Formula Aid Worksheet
2. SA-129, Part II: Attendance Report and Worksheet
3. SA-124EC: Private Excess Cost Apportionment Worksheet

E. LAWS AND REGULATIONS

Education Law:
Article 89

Regulations of the Commissioner
Part 200
Part 175, Section 175.11

VI

STATE AID FOR PUPILS WITH HANDICAPPING CONDITIONS IN STATE-SUPPORTED AND STATE-OPERATED SCHOOLS

INTRODUCTION

Under Section 4201 of Article 85 of the Education Law, pupils with severe disabling conditions may be provided special education programs which are made available at State-supported and State-operated schools. Pupils with individual needs that cannot be met through placement in school district settings are eligible for these programs. Such pupils include those who are:

1. Profoundly deaf;
2. Deaf-blind;
3. Legally blind, at least kindergarten age, or receiving a special instructional program at the preschool level; or
4. Severely physically handicapped, between the ages of 3 and 21.

A. PLACEMENT FACTORS FOR PUPILS WITH HANDICAPPING CONDITIONS IN STATE-SUPPORTED AND STATE-OPERATED SCHOOLS

1. The pupil's parents may make an application directly to the State Education Department for the placement of their child in one of these special schools.
2. The Education Department in concert with the appropriate school will make decisions about the eligibility of children for placement after an evaluation of the child has been completed at the school.

B. AID FACTORS FOR PUPILS WITH HANDICAPPING CONDITIONS IN STATE-SUPPORTED AND STATE-OPERATED SCHOOLS

1. Districts incur no expenses related to the tuition for these pupils and, therefore, earn no aid. Full tuition is paid by the State Education Deprtment directly to the State-operated or State-supported schools.

2. The district of residence of each pupil placed in a State-supported or State-operated school is charged a Basic Contribution for each pupil placed on or after July 1, 1979. The Basic Contribution per pupil is equal to the district's tax levy divided by the district's Total Wealth Pupil Units (TWPU).

3. The Basic Contribution is deducted from the district's State Aid on the SA-124, General Formula Aid Worksheet, in the year after the year in which the pupil is provided educational services.

4. The New York State School for the Blind at Batavia and the New York State School for the Deaf at Rome are funded through the State appropriation process as part of the Education Department's approved operating budget.

5. The State-supported schools as identified in Section 4201 of the Education Law are reimbursed for those necessary expenditures for approved educational programs (aidable operating expenses) provided to State-supported pupils in accordance with the provisions of the Regulations of the Commissioner of Education. These schools submit annually to the Department a line item budget for all positions and items of proposed expenditures. A Departmental review is made of all requests and an operating budget is approved for each school. The review of all budgets submitted by the State-operated schools is guided by the expenditures at the State-operated schools for the deaf and blind.

C. STATE AID WORKSHEETS NECESSARY

1. SA-124: General Formula Aid Worksheet

D. LAWS AND REGULATIONS

Education Law:
Article 85, Section 4201
Article 87
Article 88
Chapter 1060, Laws of 1974

Regulations of the Commissioner
Part 200
Part 175, Section 175.11

E. STATE-SUPPORTED SCHOOLS

St. Francis DeSales School for the Deaf and Hard of Hearing
Brooklyn, New York

St. Joseph's School for the Deaf
New York, New York

Cleary Deaf Child Center, Inc.
Lake Ronkonkoma, New York

Human Resources Schools
Albertson, Long Island

Lavelle School for the Blind
New York, New York

The Lexington School for the Deaf
New York, New York

Mill Neck Manor School for the Deaf
Mill Neck, New York

New York Institute for the Education of the Blind
New York, New York

New York School for the Deaf
White Plains, New York

Rochester School for the Deaf
Rochester, New York

St. Mary's School for the Deaf
Buffalo, New York

F. STATE-OPERATED SCHOOLS

New York State School for the Deaf
Rome, New York

New York State School for the Blind
Batavia, New York

VII

STATE AID FOR PUPILS WITH HANDICAPPING CONDITIONS PLACED IN COMMUNITY BASED FOSTER CARE PROGRAMS

INTRODUCTION

Pursuant to Chapter 853 of the Laws of 1976, pupils with handicapping conditions in community based programs such as foster family, agency boarding homes, and group homes must be provided appropriate educational services in the least restrictive environment.

In accordance with the provisions of subdivision 4 of Section 3202 of the Education Law, it has been determined that pupils placed by public agencies in foster family, agency boarding homes, or group homes must be admitted to the public school district in which the foster family, agency board home or group home is located. Such district may then provide the pupil with the necessary special services in its own district operated program, in a BOCES-operated program, in non-residential programs provided by a private school, or in programs operated by another public school district. The educational costs are charged back to the school district in which the pupil resided prior to placement in such foster family, agency board homes, or group homes. However, Social Services districts remain responsible for all tuition costs if they had assumed responsibility for such tuition costs prior to January 1, 1974.

A. PLACEMENT OF PUPILS FROM FOSTER FAMILY, AGENCY BOARDING HOMES, OR GROUP HOMES IN DISTRICT-OPERATED OR BOCES-OPERATED PROGRAMS FOR THE HANDICAPPED

1. AID FACTORS FOR PLACEMENT IN DISTRICT OR BOCES-OPERATED PROGRAMS

(a) The pupil generates Operating Aid for the district in which the foster family home is located as a result of being included in that district's Average Daily Attendance (ADA).

(b) In the case of a pupil in a BOCES program on a full-time basis, the pupil's attendance is made part of adjusted ADA in the SA-129, Part II, Attendance Report and Worksheet. In the case of a pupil in a BOCES program on a part-time basis or in a district operated program full-time, the pupil's attendance is included in the district's "attendance period data" on the SA-129, Part I.

(c) Operating Aid is claimed on the SA-124, General Formula Aid Worksheet.

(d) The educating district, in this case the district in which the home is located, bills the district of residence a net tuition amount in accordance with Section 3202 of the Education Law, subdivision 4, paragraph d. The net tuition is the cost of educating the pupil less the amount of Operating Aid the pupil earns for the educating district.

(e) The district of residence claims the pupil for Public Excess Cost Aid on the SA-786, Public Excess Cost Aid Worksheet and the SA-786-1, Additional Apportionment for High Cost Handicapped Children.

(f) The district of residence includes such pupils in its computations for determining pupil wealth.

(g) The district of residence pays the educating district the net tuition charge, which is partially offset by the Public Excess Cost Aid the district of residence earns for the pupil.

(h) Operating Aid and Public Excess Cost Aid are both paid in the year following the year in which the services are rendered.

2. STATE AID WORKSHEETS USED FOR CLAIMING AID

(a) SA-124: General Formula Aid Worksheet

(b) SA-129, Part I: Attendance Report and Worksheet

(c) SA-129, Part II: Attendance Report and Worksheet

(d) SA-786: Public Excess Cost Aid Worksheet

(e) SA-786-1: Additional Apportionment for High Cost Handicapped Children

(f) SA-122: Operating Expenses Worksheet

3. LAWS AND REGULATIONS

Education Law:
Section 3202, subdivision 4
Chapter 853, Laws of 1976

Regulations of the Commissioner:
Part 174, Section 174.2
Part 200
Part 175, Section 175.11

B. PLACEMENT OF PUPILS FROM FOSTER FAMILY, AGENCY BOARDING HOMES OR GROUP HOMES IN PRIVATE SCHOOL PROGRAMS (INCLUDING SPECIAL ACT DISTRICT PROGRAMS) IN ACCORDANCE WITH CHAPTER 853, LAWS OF 1976

1. AID FACTORS FOR PLACEMENT IN PRIVATE SCHOOL PROGRAMS

(a) Form STAC-1, which requests approval of a private placement, is filed through the Regional Associate with the STAC Processing Unit by the school district in which the foster family home, agency boarding home or group home is located.

(b) The pupil is included in the Average Daily Attendance (ADA) of the district in which the home is located and generates Operating Aid for such district accordingly.

(c) The Operating Aid is claimed on the Form SA-124, General Formula Aid Worksheet.

(d) The district in which the home is located, i.e., the district that files the STAC-1, claims the pupil for Private Excess Cost Aid on the Form SA-124EC, Private Excess Cost Apportionment Worksheet.

(e) The district where the home is located claims the pupil for Additional Aid for Section 4402 pupils.

(f) The district where the home is located charges a net tuition amount back to the district of residence.

(g) The net tuition amount in this case is the approved tuition charged the district where the home is located, minus the sum of Operating Aid, Additional Aid for Section 4402 Pupils and Private Excess Cost Aid.

$$\text{Net Tuition Charge to District of Residence} = \text{Approved Tuition} - \left(\text{Operating Aid Per Pupil} + \text{Additional Section 4402 Aid} + \text{Private Excess Cost Aid} \right)$$

2. STATE AID WORKSHEETS USED FOR CLAIMING AID

(a) SA-124: General Formula Aid Worksheet

(b) SA-129, Part II: Attendance Report and Worksheet

(c) SA-124EC: Private Excess Cost Apportionment Worksheet

3. LAWS AND REGULATIONS

Education Law:
Section 3202, subdivision 4
Chapter 853, Laws of 1976

Regulations of the Commissioner:
Part 200
Part 175, Section 175.11

C. PLACEMENT OF PUPILS FROM FOSTER FAMILY, AGENCY BOARDING HOMES OR GROUP HOMES IN PROGRAMS OPERATED BY ANOTHER PUBLIC SCHOOL DISTRICT.

1. AID FACTORS FOR PLACEMENT PROGRAMS OPERATED BY ANOTHER SCHOOL DISTRICT

(a) The pupil is included in the Average Daily Attendance (ADA) of the district educating the pupil and generates Operating Aid accordingly.

(b) The district educating the pupil claims Operating Aid on the Form SA-124, General Formula Aid Worksheet.

(c) The educating district bills the district placing the pupil, i.e. the district where the home is located, a net tuition amount. Net tuition is the cost of educating the pupil less the Operating Aid earned.

(d) The district placing the pupil pays the educating district and in turn charges the tuition back to the district of residence.

(e) The district of residence pays the district placing the pupil.

(f) The district of residence claims the child for Public Excess Cost Aid on the Form SA-786, Public Excess Cost Aid Worksheet, and the Form SA-786-1, Additional Apportionment for High Cost Handicapped Children.

2. STATE AID WORKSHEETS USED FOR CLAIMING AID

(a) SA-124: General Formula Aid Worksheet

(b) SA-129, Part I: Attendance Report and Worksheet

(c) SA-129, Part II: Attendance Report and Worksheet

(d) SA-786: Public Excess Cost Aid Worksheet

(e) SA-786-1: Additional Apportionment for High Cost Handicapped Children

(f) SA-122: Operating Expenses Worksheet

3. LAWS AND REGULATIONS

Education Law:
Section 3202, subdivision 4

Regulations of the Commissioner:
Part 200
Part 175, Section 175.11

VIII

STATE AID FOR PUPILS PLACED FROM A DEVELOPMENTAL CENTER

INTRODUCTION

Chapter 47, Laws of 1977 provides tuition aid for pupils with handicapping conditions who formerly resided in Developmental Centers operated by the Office of Mental Retardation and Developmental Disabilities and who presently live in family homes or group homes in the school district. The school district in which the family home or group home is located has the responsibility for providing the appropriate educational services for these pupils in one of the following settings:

1. The district operated program
2. A neighboring public school district program
3. A BOCES program
4. A non-residential private school program

The placing school district, i.e. the district in which the family home or group home is located, is then reimbursed by the State for the full cost of educating the pupil. The aid is paid on a current basis.

A. PLACEMENT FACTORS FOR PUPILS PLACED FROM A DEVELOPMENTAL CENTER BY THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

1. All pupils must be reviewed by the Committee on the Handicapped of the district in which the family home or group home is located prior to placement. Pupils may be placed in programs operated by:
   (a) the district in which the family home or group home is located;
   (b) another public school district;
   (c) A BOCES; or,
   (d) an approved private school on a non-residential basis only.
2. The STAC-200, Notice of Other Agency Placement of Children With Handicapping Conditions, must be issued by the Office of Mental Retardation and Developmental Disabilities (OMR/DD) for each pupil placed before the cost of that pupil's education is aidable. A school district should have this form in its possession prior to providing services. This Notice will be routinely provided to:

(a) the school district at admission to care;

(b) the school district certifying handicapping conditions; and,

(c) the State Education Department.

B. AID FACTORS FOR PUPILS PLACED FROM A DEVELOPMENTAL CENTER

1. The cost of educating pupils placed from a Developmental Center is reimbursed through the Bureau of State Aided Programs of the Education Department. Such cost includes all of the expenditures made for the required services prescribed by the COH, exclusive of transportation costs.

2. The district placing the pupil determines the cost of educating the pupil by completing the Tuition Computation Form for Non-Resident Pupils. This form can be obtained from the Bureau of Educational Management Services of the State Education Department. The district may, however, elect to develop its own tuition charge based on district expenditures as supported by district accounting records. The BOCES tuition is that which is agreed to by the component district. The private school tuition is that which is approved by the State Education Department.

3. Aid is claimed on Form STAC-1. Such aid is claimed at the beginning of the school year for:

   (a) Tuition: as developed through either of the methods referred to above;

   (b) Administrative Overhead Charge: not to exceed 5% of the approved tuition and to include routine and normal costs of the committee on the handicapped;

   (c) Committee on the Handicapped Costs: "unique costs" incurred by the committee on the handicapped in processing each individual pupil as approved by the Education Department.

4. At the close of the school year for which the Form STAC-1 was completed, the placing district submits Form SA-47-V, Tuition Aid Verification Worksheet, to the Bureau of State Aided Programs in order to verify and confirm the data on which estimated aid was initially paid. Verification of prior year costs must be submitted and approved before current year aid is paid.

5. Neither the placing district, nor the educating district, if that district is different from the placing district, may include these pupils in any of the attendance counts used to generate Operating Aid or district wealth measures. Aid received for these pupils is a deductible revenue on the SA-122 of the educating district.

6. The district of residence (not necessarily the district in which the family or group home is located) for each pupil admitted to the care and custody of DMH on or after July 1, 1977 is charged a Basic Contribution. A Basic Contribution is the tax levy amount that the district of residence raises for each Total Wealth Pupil Unit (TWPU). The Basic Contribution appears as an aid deduction on Form SA-124, General Formula Aid Worksheet, in the year following the year in which educational services are provided.

7. Aid is paid in the year in which services are provided to the pupil.

B. STATE AID WORKSHEETS NECESSARY

1. STAC-1: Request for Commissioner's Approval
2. STAC-3: Notice of Commissioner's Approval
3. SA-47-V: Tuition Aid Verification Worksheet
4. SA-122: Operating Expense Worksheet
5. SA-124: General Formula Aid Worksheet
6. STAC-200: Notice of Other Agency Placement

C. LAWS AND REGULATIONS

Education Law:
Section 3202, subdivision 5, paragraphs a and b
Chapter 47, Laws of 1977

Regulations of the Commissioner:
Part 200
Part 175, Section 175.11

D. TRANSPORTATION

The placing district must transport the child to and from the site where the pupil is educated and the cost of such transportation will be reimbursed at 90% pursuant to Section 3602, subdivision 7, of the Education Law. Transportation Aid is claimed on the Form SA-120, Transportation Aid Worksheet. The district providing the transportation may, if it chooses, bill the district of residence for the remaining ten percent of the transportation costs.

IX

STATE AID FOR PUPILS RESIDING IN A DEVELOPMENTAL CENTER

INTRODUCTION

Chapter 66, Laws of 1978, amended Section 3202 of the Education Law to authorize payment by the State of full tuition for pupils with handicapping conditions who reside in an Office of Mental Retardation and Developmental Disabilities (OMR/DD) Center and are provided educational services by the school district in which the OMR/DD Center is located. School districts are responsible for providing necessary services for such pupils. Services may include the basic educational program, audiology, counseling, occupational therapy, physical therapy, speech pathology, psychological services and other appropriate services as determined by the Committee on the Handicapped.

The school district in which the Center is located (i.e. the placing district) is responsible for placing a pupil in its own district program for the handicapped, a BOCES program or another public school district program. The placing school district is then reimbursed by the State for the cost of educating such pupil for the year in which the educational services will be provided.

A. PLACEMENT FACTORS FOR PUPILS RESIDING IN A DEVELOPMENTAL CENTER

1. All pupils must be reviewed prior to placement, by the Committee on the Handicapped of the placing district. Pupils may be placed in programs provided by:
   a. the district in which the center is located;
   b. A BOCES; or
   c. another public school district.
2. Form STAC-200, Notice of Other Agency Placement, must be issued by the Developmental Disabilities Center for each child placed before the cost of that child's education is aidable. This notice is sent to:
   a. the school district at admission to care;
   b. the school district certifying handicapping conditions; and
   c. the State Education Department.

   The placing school district should have this form in its possession prior to providing services.

B. AID FACTORS FOR PUPILS RESIDING IN A DEVELOPMENTAL CENTER

1. The net cost of educating pupils residing in a Developmental Center is reimbursed through State Aid. Net cost includes all of the expenditures made for the required services prescribed by the COH, exclusive of transportation costs.

2. The placing school district determines the cost of educating the pupil by completing the Tuition Computation Form for Non-Reident Pupils. This form can be obtained from the Bureau of Educational Management Services of the State Education Department. The district may, however elect to develop its own tuition charge based on district expenditures as supported by district accounting records. The BOCES tuition is that which is agreed to by the contracting district.

3. Aid is claimed on Form STAC-1. Such aid is claimed at the beginning of the school year for:

   a. Tuition: as developed through one of the methods referred to above;

   b. Administrative Overhead Charge: not to exceed 5% of the approved tuition and related services but to include routine and normal costs of the COH;

   c. Committee on the Handicapped Cost: "unique costs" incurred by the COH in processing each individual pupil, as approved by the Education Department.

4. At the close of the school year for which the Form STAC-1, was completed, the placing district submits Form SA-66-V, Tuition Aid Verification Worksheet to the Bureau of State Aided Programs in order to verify and confirm the data on which estimated aid was initially paid.

5. Neither the placing district nor the educating district, if that district is different from the placing district, may include these pupils in any of the attendance counts used to generate Operating Aid or district wealth measures. Aid received for these pupils is a deductible revenue on the SA-122 of the educating district.

6. The district of residence (not necessarily the district in which the OMR/DD Center is located) for each pupil admitted to the care and custody of DMH on or after July 1, 1978 is charged a Basic Contribution. A Basic Contribution is the tax levy amount that the district

of residence raises for each Total Wealth Pupil (TWPU). The Basic Contribution appears as an aid deduction on the Form SA-124, General Formula Aid Worksheet, in the year following the year in which the services are provided.

7. Aid is paid in the year in which services are provided to the pupil.

8. If the COH of the placing district determines that an appropriate placement for a child is in an approved private non-residential school program, the finding is reported back to the OMR/DD center. The center then arranges for that pupil's educational program independently of the school district. The school district has no further responsibility.

C. STATE AID WORKSHEETS NECESSARY

1. STAC-1: Request for Commissioner's Approval
2. STAC-3: Notice of Commissioner's Approval
3. SA-66-V: Tuition Aid Verification Worksheet
4. SA-122: Operating Expenses Worksheet
5. SA-124: General Formula Aid Worksheet
6. STAC-200: Notice of Other Agency Placement

D. LAWS AND REGULATIONS

Education Law:
Section 3202, Subdivision 5, paragraph c
Chapter 66, Laws of 1978

Regulations of the Commissioner:
Part 200
Part 175, Section 175.11

E. TRANSPORTATION

The cost of transporting pupils between the OMR/DD center and the public school in which they are being educated is to be paid by OMR/DD. In no case is the public school district responsible for paying the costs of transporting such pupils. However, OMR/DD may contract with the school district in which the center is located to provide transportation service.

X

STATE AID FOR PUPILS RESIDING IN PSYCHIATRIC CENTERS OPERATED BY THE OFFICE OF MENTAL HEALTH

INTRODUCTION

State Aid is provided for pupils with handicapping conditions who reside in an Office of Mental Health Psychiatric Center and are provided educational services by the school district in which the center is located.

The Office of Mental Health (OMH) has committees in each Psychiatric Center with the responsibility to provide educational services to resident handicapped children. When such a committee determines that a child could benefit from instruction in a public day school program within the district where the Center is located, a recommendation for such services is made to the Board of Education of the local school district.

A. PLACEMENT FACTORS FOR PUPILS RESIDING IN PSYCHIATRIC CENTERS

1. The Committee on the Handicapped of the school district in which the Center is located reviews the recommendation of the center's committee and recommends placement in a program operated by one of the following:
   a. the district in which the center is located;
   b. a BOCES; or
   c. another public school district.

If the COH of the district in which the center is located determines that the appropriate placement for the child under review is in an approved private non-residential school program, the finding is reported back to the OMH center. The center then arranges for that child's educational program independently of the school district. Neither the school district of residence nor the school district in which the center is located has any financial responsibility. The Office of Mental Health is responsible for the total cost of educating the child.

B. AID FACTORS FOR PUPILS RESIDING IN PSYCHIATRIC CENTERS

1. When the district in which the psychiatric center is located educates the child, that district includes the child in its Average Daily Attendance (ADA) in order to generate Operating Aid. The district then bills the cost of educating the pupil minus the Operating Aid (net cost) back to the district of residence.

2. If the district in which the center is located contracts with another district for the education of the child, the educating district includes the child in its ADA and charges a net cost back to the sending district, which in turn bills the same net cost to the child's district of residence.

3. The district of residence must pay the district in which the center is located for making provision for the education of its resident child. The district of residence then is eligible to claim this child under the provisions of the Public Excess Cost Aid formula and also claims this child in its pupil count for wealth purposes. The district of residence may not include this child in ADA for purposes of generating Operating Aid.

4. If the district in which the center is located contracts with a BOCES for the education of the child, such district includes the full-time equivalent enrollment of the child in its ADA for Operating Aid purposes. It then bills the district of residence the net cost of educating the pupil.

C. STATE AID WORKSHEETS NECESSARY

1. SA-129, Part I: Attendance Report and Worksheet
2. SA-129, Part II: Attendance Report and Worksheet
3. STAC-200: Notice of Other Agency Placement
4. SA-786: Public Excess Cost Aid Worksheet
5. SA-786-1: Additional Apportionment for High Cost Handicapped Children
6. SA-122: Operating Expenses Worksheet

D. LAWS AND REGULATIONS

Education Law:
Section 3202, Subdivision 5, paragraph c
Chapter 66, Laws of 1978

Regulations of the Commissioner:
Part 200
Part 175, Section 175.11

E. TRANSPORTATION

The cost of transporting pupils between the psychiatric center and the public school in which they are being educated is to be paid by the Office of Mental Health (OMH). In no case is the public school district responsible for paying the cost of transporting such pupils. However, OMH may contract with the school district to provide transportation.

XI

STATE AID FOR CHILDREN RESIDING IN INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED (ICF/MR/DD)

INTRODUCTION

Chapter 721, of the Laws of 1979 provides State Aid for the education of pupils with handicapping conditions who reside in Intermediate Care Facilities licensed by the Office of Mental Retardation and Developmental Disabilities.

This program allows children residing in Intermediate Care Facilities for the Mentally Retarded and Developmentally Disabled to be admitted to the public schools. Each Intermediate Care Facility (ICF) is authorized to contract with the Board of Education in the school district in which the facility is located for the provision of special education and related services, including transportation.

A. PLACEMENT FACTORS FOR PUPILS RESIDING IN INTERMEDIATE CARE FACILITIES

1. The Committee on the Handicapped (COH) of the school district in which the facility is located shall evaluate each child by reviewing materials furnished by the ICF and conducting additional evaluations as necessary, and recommend an appropriate placement in a program operated by any one of the following:
   a. the district in which the ICF is located;
   b. another public school district;
   c. a BOCES;
   d. an approved Private School (on a non-residential basis only); or
   e. a State-Supported or State-Operated School by appointment by the Commissioner of Education (on a non-residential basis only).
2. The Intermediate Care Facility must issue Form STAC-200, Notice of Other Agency Placement, for each child who is placed and provide copies to:
   a. the State Education Department;
   b. the school district at admission to care; and
   c. the school district certifying handicapping conditions.

3. A contract must be drawn and executed between the Intermediate Care Facility and the school district in which the ICF is located which establishes the terms and conditions governing the education and transportation of the children from the ICF. However, if the ICF is state-operated, the procedure varies to the extent that the school district enters into a contract with OMRDD and payment is made by that department to the school district.

B AID FACTORS FOR CHILDREN RESIDING IN INTERMEDIATE CARE FACILITIES

1. There are no local costs incurred by a public school district providing special education services and transportation services to children residing in an ICF, unless it is also the district of residence of the pupil involved. In such cases, a Basic Contribution is charged. School districts otherwise will receive 100 percent current reimbursement for the services provided.
2. The Intermediate Care Facility and the district jointly complete Form STAC-1, for each child who is placed in an educational program. This form requires a statement of the annual tuition cost and the cost of transportation. This information is obtained from the school district responsible for placing the child.
3. Form STAC-1 is submitted to the State Education Department. If approved, a STAC-3 is returned to the ICF.
4. One hundred percent of the cost of educating such child, including transportation costs, is paid by the Education Department directly to the Intermediate Care Facility. An administrative overhead charge not to exceed 5% of the approved tuition is allowed. Costs incurred by the committee on the handicapped are also allowed.
5. The Intermediate Care Facility pays the district pursuant to payment provisions of the contract. This involves passing the aid funds directly through to the district responsible for the child's placement.
6. When the placing district receives the tuition payment from the Intermediate Care Facility, the placing district either pays the tuition costs required to place that child in a program other than its own, or the district retains the funds to cover the costs of the services it has provided to the child.

7. At the termination of the school year in which the educational services are provided, the Intermediate Care Facility must complete Form SA-721V, Verification of Educational Aid, to substantiate the costs previously estimated and claimed for aid. As necessary, aid adjustments are made between the State and the ICF, between the ICF and the placing school district, and between the placing district and the district, BOCES or private school educating the child.

8. Neither the placing district nor the educating district, if that is different than the placing district, may include these children in any of the attendance counts used to generate Operating Aid or district wealth measures. Tuition received by the educating district directly from the ICF or from the placing district is a deductible revenue on the SA-122 of the educating district.

9. The district of residence of the child who resides in the ICF and has been placed for educational services is charged a Basic Contribution, if that child has been admitted to the care and custody of OMR/DD since June 30, 1979.

10. Aid is paid in the year in which the educational services are provided.

C. STATE AID WORKSHEETS NECESSARY

1. SA-122: Operating Expenses Worksheet
2. SA-124: General Formula Aid Worksheet
3. STAC-200: Notice of Other Agency Placement
4. STAC-1: Request for Commissioner's Approval
5. STAC-3: Notice of Commissioner's Approval
6. SA-721V: Verification of Educational Aid

D. LAWS AND REGULATIONS

Education Law:
Article 89
Section 3202, Subdivision 5, paragraph d

Regulations of the Commissioner:
Part 175, Sections 175.8c and Section 175.11
Part 200

E. TRANSPORTATION

The Intermediate Care Facility contracts with the school district in which the ICF is located to provide transportation. The district may provide transportation by either district owned or private contract school busses or public service vehicles as it deems appropriate. The State Education Department reimburses the Intermediate Care Facility for the cost of the transportation pursuant to a contract with the school district. The Intermediate Care Facility claims aid for this expense as part of the costs on Form STAC-1. All aid paid to the Intermediate Care Facility is a direct pass-through to the district with which it contracts. The ICF may not retain any aid paid for its own purposes. The amount received by the school district from the ICF for transportation is deducted on the SA-120, Transportation Aid Worksheet.

XII

STATE AID FOR PUPILS IN CHILD CARE INSTITUTIONS

INTRODUCTION

The Institution Schools Act, Chapter 563, of the Laws of 1980, amended Section 3202, subdivision 5 of the Education Law to guarantee that children with handicapping conditions placed in Child Care Institutions (CCI) by the Family Court, the Department of Social Services or the Division for Youth are provided a free, appropriate public education.

Primarily, this act provides a system for the referral, evaluation and educational placement of those children under the custody of a public child care agency who are thought or known to have handicapping conditions. A Child Care Institution (CCI) is defined as any facility which serves thirteen or more children and is licensed by the Department of Social Services. In many cases the Child Care Institution operates a school on its campus. Special Act Districts are such schools. Orphan Asylums are also Child Care Institutions (private schools) operating educational programs, however, they are not as clearly defined in law as are Special Act School Districts.

Chapter 563 defines the responsibility for payment of tuition for children placed in Chapter 853 Residential Schools by local school districts pursuant to Article 89 of the Education Law. It further defines procedures for determining the school district financially responsible for children in foster family care, agency board homes or group homes.

The previous legal procedures under which Special Act School Districts and Orphan Schools received State Aid directly were also eliminated by Chapter 563. Beginning with the 1981-82 school year, Special Act School Districts and Orphan Schools in conjunction with the Commissioner of Education, have the responsibility for establishing a tuition rate to be charged each child placed in their educational program.

A. PLACEMENT FACTORS FOR PUPILS RESIDING IN A CHILD CARE INSTITUTION

1. Children may be placed in a Child Care Institution school either by a public school district under provisions of Chapter 853, Laws of 1976, or by a public agency under provisions of Chapter 563, Laws of 1980.
2. Under Chapter 563 placement may be other than in a school operated by a Child Care Institution.

3. Any child placed in a Child Care Institution by a public agency (Family Court, the Division for Youth or the local Social Services District) may be placed in educational programs as follows:

   a. in a public school district program;

   b. in a BOCES program;

   c. in a Special Act School District program;

   d. in a private non-residential school, with approval by the State Education Department;

   e. in a State-Supported or State-Operated school in accordance with Article 85, 87, or 88 of Education Law through appointment by the Commissioner;

   f. in the Binghamton Children's Unit under contract with SUNY;

   g. in related services as approved by the Commissioner of Education and Director of the Budget (such services shall include audiology, counseling, occupational therapy, parent counseling and training, school health services, school social work, physical therapy, speech pathology, medical services, psychological services, other appropriate developmental or correctional service, and appropriate access to recreation);

   h. in other programs approved by the Commissioner.

B. AID FACTORS FOR CHILDREN PLACED BY A PUBLIC SCHOOL DISTRICT IN SCHOOLS OPERATED BY A CHILD CARE INSTITUTION INCLUDING SPECIAL ACT SCHOOL DISTRICTS AND ORPHAN SCHOOLS

1. Special Act Districts and Orphan Schools are considered private schools for aid purposes.

2. Regular Operating Aid to Special Act School Districts and Orphan Schools is not available.

3. Full tuition for the normal 10 month program is charged to the public school district placing the child.

4. The tuition rate to be charged by the Special Act District or the Orphan School is established by the State Education Department.

5. The placing district receives aid in accordance with the provision of the Private Excess Cost Aid formula. (See page 12).

6. When the public school district placing the child is not the child's school district of residence, the placing district, by contractual agreement, recovers the net tuition from the district of residence.

7. STATE AID WORKSHEETS USED FOR CLAIMING AID

1. SA-124EC: Private Excess Cost Apportionment Worksheet
2. SA-124: General Formula Aid Worksheet
3. SA-129, Part II: Attendance Report and Worksheet

8. LAWS AND REGULATIONS

Education Law:
Chapter 563, Laws of 1980
Chapter 853, Laws of 1976

Regulations of the Commissioner:
Part 200
Part 175, Section 175.11

C. AID FACTORS FOR CHILDREN PLACED IN CHILD CARE INSTITUTIONS BY PUBLIC AGENCIES

1. As of July 1, 1981, tuition in an approved school for programs of up to a full year, for children placed by a public agency in a child care institution, is paid by the Social Services District financially responsible for the support and maintenance of the child.
2. The tuition rate to be charged is established by the State Education Department.
3. The tuition for a child who is placed by a public agency into Blythedale Children's Hospital is paid by the social services district where the child resided prior to his admittance into the Hospital.
4. For a child presently residing in a foster family, agency home or group home who is placed in a child care institution by a public agency, the financially responsible social services district will be the social services district where the child resided when he or she initially entered foster care.
5. For a child placed in a child care institution or admitted to Blythedale Children's Hospital, the school district in which the child resided at the time the social services district or Division for Youth assumed responsibility for that child is charged a Basic Contribution. However, the school district is charged only for any child placed after June 30, 1981.

6. A Basic Contribution equal to the tax levy amount that the district of residence raises for each Total Wealth Pupil Unit (TWPU) will be deducted on the SA-124, General Formula Aid Worksheet of the district of residence. This contribution will be a deduction from Operating Aid in the year following the year in which services were provided to the child.

7. The amount of the Basic Contribution will be credited to the social services district financially responsible for the child through a procedure which does not involve the school district or the educating institution.

D. STATE AID WORKSHEETS USED FOR CLAIMING AID

1. SA-124: General Formula Aid Worksheet

E. LAWS AND REGULATIONS

Education Law:
Chapter 563, Laws of 1980
Sections 4001-4006

Regulations of the Commissioner:
Part 200
Part 175, Section 175.11

XIII

STATE AID FOR PUPILS IN RESIDENTIAL TREATMENT FACILITIES

INTRODUCTION

Article 81 of the Education Law was added by Chapter 563 of the Laws of 1980. Chapter 947, Laws of 1981, further amended Article 81 to provide a legal structure for establishment of residential inpatient psychiatric treatment facilities for children and youth under the ages of twenty-one, admission of children into such facilities, and payment for services provided at such facilities. These amendments also provide for the evaluation of the educational needs of children placed in such residential facilities for children and youth and assigns financial responsibility for the cost of the educational services to such children.

Basically, a child in a residential treatment facility has the same educational options as a child in a child care institution.

A. PLACEMENT FACTORS FOR PUPILS IN RESIDENTIAL TREATMENT FACILITIES

A child in a residential treatment facility may be placed in one of the following educational settings:

1. the public school district in which the residential treatment facility is located;
2. another public school district;
3. a BOCES;
4. a private school;
5. a Special Act School District operated by a child care institution of which the residential treatment facility for children and youth is a part.

B. AID FACTORS FOR CHILDREN PLACED IN RESIDENTIAL TREATMENT FACILITIES BY PUBLIC AGENCIES.

1. The Commissioner of Education establishes the tuition for service provided to such a child at a private school or Special Act School District operated by the residential treatment facility or an authorized agency of which such facility is a part.

2. As of July 1, 1981, tuition for a child served in a private school or Special Act School District operated by a residential treatment facility or an authorized agency of which the facility is a part, is paid directly to the facility by the Social Services District financially responsible for the child.

3. As of July 1, 1981, tuition for a child served in a public school district, Board of Cooperative Educational Services, private school or other facility providing educational services to a child residing in a residential treatment facility is paid directly by the Social Services District financially responsible for such child.

4. For children placed in a residential treatment facility after June 30, 1981, the school district in which the child resided at the time the Social Services District assumed responsibility for the child is charged a Basic Contribution. Therefore, deductions from aid began with the 1982-83 school year.

5. The school district financially responsible for a child who is determined to have a "handicapping condition" and is receiving care in a residential treatment facility is responsible for the Basic Contribution towards the education of such child.

6. Any school district which is charged a Basic Contribution for a child in a residential treatment facility is entitled to include that child in its wealth calculations on the SA-129 Part II (Attendance Report and Worksheet) and the SA-129W (Computation of Total Wealth Pupil Units).

7. The Basic Contribution deduction is developed on the SA-124 (General Formula Aid Worksheet) of the district of residence and is a deduction from Operating Aid in the year following the year in which services are provided the child.

8. The amount of the Basic Contribution is credited to the Social Services District financially responsible for the child through a settlement process which does not involve the school district or the educating institution.

C. <u>STATE AID WORKSHEETS USED FOR CLAIMING AID</u>

1. SA-124: General Formula Aid Worksheet

2. SA-129W: Computation of Total Wealth Pupil Units

3. SA-129, Part II: Attendance Report and Worksheet

D. LAWS AND REGULATIONS

Education Law:
Chapter 947, Laws of 1981
Article 81: Section 4001
Section 4002
Section 4003
Section 4004
Section 4005
Section 4006

Commissioner's Regulations
Part 200
Part 175, Section 175.11

XIV

FEDERAL AID FOR PUPILS WITH HANDICAPPING CONDITIONS

INTRODUCTION

In recent years the Federal Government has passed several laws which provide special aid to local school districts for the education of pupils with handicapping conditions. Such aid is administered by the State Education Department and requires special application and project approval. The aid programs are briefly described below:

A. Vocational Education for Pupils with Handicapping Conditions

B. Support for State-Supported and State-Operated Schools

C. Support for District Programs Through Grants to States

A. VOCATIONAL EDUCATION FOR PUPILS WITH HANDICAPPING CONDITIONS

1. Vocational Education for Handicapped pupils in New York State has established as its main objectives:

   a. Improvement of existing programs serving secondary handicapped students, through provision for the excess cost of occupational instruction and related services needed by these students to become employable. Support may include additional staffing to ensure safety through limitation of class size where mainstreaming occurs, as well as special instructional resources, and in some circumstances specialized equipment and minor remodeling of facilities required by the handicapping condition.

   b. Expansion of program availability and services to the handicapped population.

   c. Instruction in occupational education for handicapped children in the State-operated or State-supported schools.

   d. Maintenance of ongoing programs in large cities where sufficient support cannot be generated from the local tax base.

2. Authorizing Legislation

   Public Law 94-542, Carl D. Perkins Vocational Education Act of 1984.

3. Eligible Participants

   Includes secondary pupils, post secondary pupils and adults.

4. Procedure in Applying

Districts interested in applying are asked to contact the New York State Education Department offices listed below:

For secondary educational agencies -

Bureau of Occupational and Continuing Education Program Support (518-474-3973)

For Postsecondary Institutions -

Bureau of Grants Administration (518-474-5705)

5. Federal Regulations, Register, Memorandum

Persons wishing additional details are referred to the Federal Register dated October 19, 1984.

6. State Education Department Contact Offices

Post Secondary Programs	Bureau of Grants Application	518-474-5705
Secondary Programs	Bureau of Occupational and Continuing Education Program Support	518-474-3973
Fiscal Office	Bureau of Federally Aided Programs	518-474-4815

B. ECIA Chapter I - P.L. 89-313

1. Program Summary

To extend and improve educational programs for handicapped children in State-operated or State-supported schools.

2. Authorizing Legislation

Education Consolidation and Improvement Act (ECIA), Chapter 1.

3. Eligible Participants

State agencies and State operated and/or supported schools for handicapped children are eligible. Local educational agencies may participate on behalf of children who were formerly enrolled in State agencies and counted in a previous ECIA Chapter 1 child count but have now left the State agency to participate in a special education program at the local level.

4. Procedures in Applying

1. State agency submits the total number of eligible handicapped children enrolled in schools which it supports or operates or in LEA's where the children have become enrolled after leaving State agencies or State operated and/or supported schools.

2. Eligible school is informed of the amount of award available for a given school year.

3. Eligible school must submit a project application to the New York State Education Department, Division of Interagency Cooperation and Support Services.

5. Federal Regulations, Register, Memorandum

A summary of regulations pertaining to the P.L. 89-313 program may be found in the Code of Federal Regulations, Part 302.

6. State Education Department Contact Offices

Program Office	Division of Interagency Cooperation and Support Services	518-474-4673
Fiscal Office	Bureau of Federally Aided Programs	518-474-4815

C. EHA Part B, P.L. 94-142

1. Program Summary

To provide grants to states to assist them in providing a free appropriate public education to all handicapped children.

2. Authorizing Legislation

Education of the Handicapped Act, Part B; Public Law 91-230 as amended by P.L. 93-380, P.L. 94-142, and P.L. 98-199.

3. Eligible Participants

State agencies apply to the U.S. Office of Education for participation in the EHA, Part B program. Local educational agencies apply to the New York State Education Department for funds based on a count of handicapped children less those children in school programs funded under P.L. 89-313.

4. Procedures in Applying

1. Under the entitlement program a local educational agency is informed by the State Education Department of the amount of funding available and must in turn submit a project application for approval.

2. Under the discretionary program, a local educational agency submits a project application for approval to the State Education Department based on needs as identified in N.Y.S. plan.

5. Federal Regulations, Register, Memorandum

A summary of regulations pertaining to the P.L. 94-142 program may be found in the Code of Federal REgulations, Part 300.

6. State Education Department Contact Offices

Program Office	Division of Interagency Cooperation and Support Services	518-474-4673
Fiscal Office	Bureau of Federally Aided Programs	518-474-4815

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PROCEDURES FOR REQUESTING APPROVAL

Beginning July 1, 1985 any child with a handicapping condition who is to be placed in the following programs must have been processed through the System to Track and Account for Children (STAC).

1. Deaf Infant Program (4204).
2. State Operated/State Supported Schools (4201)
3. District Contracts with Private Schools (4402)
4. Office of Mental Retardation/Developmental Disabilities (Chapters 47, 66 and 721)
5. High Cost Public Programs (Chapter 786)
6. Other Agency Placements (Chapter 563 and 947)

A STAC mannual has been sent to all districts describing the new system. Further questions should be addressed to:

New York State Education Department
STAC Processing Unit
Room 1603, One Commerce Plaza
Albany, New York 12234
(518-474-7116)

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IF YOU NEED HELP

Because the education of children with handicapping conditions is covered by many laws and regulations, aid for such programs and services is both varied and complex. As a result questions frequently arise at the local level. Problems can often be avoided by communicating with the pertinent State Education Department Office. The following offices have staff to help answer questions on programs and aid:

1. Bureau of State Aided Programs: (518) 474-2977
   a. Excess Cost Aid for public and private school pupils
   b. Local Contribution from public school districts
   c. Tuition Aid under Chapters 47, 66, and 721
   d. Transportation Aid under Chapters 47 and 721
   e. Transportation Aid to local school districts for pupils with handicapping conditions
2. Federally Aided Programs Units: (518) 474-4815
   a. aid for federally funded programs under Vocational Education, ECIA, Chapter I-P.L. 89-313, P.L. 94-142 EHA Part B
3. Bureau of Fiscal Management: (518) 474-7751
   a. aid to Section 4201 schools
   b. aid to State Schools for Deaf and Blind
   c. aid to Section 4407 private schools out-of-state and on behalf of pupils grandfathered in private schools within the State
   d. aid to the county of residence for education of pupil as ordered by Family Court
4. Bureau of Educational Management Services: (518) 474-3911
   a. approval of transportation contracts
   b. methods and legal procedures for transporting pupils
   c. approval of busses, routes, and contract costs
   d. assistance with proper accounting procedures for transporting pupils
   e. conduct of field audits
   f. computation of tuition for district-operated programs

5. Division of Interagency Cooperation and Support Services:

   - STAC Processing Unit (518-474-7116): receipt and completion of STAC forms
   - Rate Setting Unit (518-474-3242): setting tuition rates for approved private schools for pupils with handicapping conditions and special act school districts
   - Federal Aid Program Unit (518-474-4673):
     a. annual census and review of project applications for EHA Part B (P.L. 94-142) funds
     b. annual census and review of project applications for Chapter I (P.L. 89-313) funds
     c. annual census and review of project applications for Chapter I Neglected and Delinquent funds

7. Division of Program Monitoring: (212-488-4450)
   a. monitoring of public and approved private school programs for pupils with handicapping conditions, and special act school districts for compliance with Federal and State laws and regulations
   b. monitoring State agency, and 4201 school programs for compliance with Federal and State laws and regulations
   c. budget review of 4201 schools
   d. technical assistance on Federal and State laws and regulations

8. Division of Program Development: (518-474-8917 or 518-474-2251)
   a. technical assistance on Federal and State laws and regulations
   b. coordinates registration and approval of Federal Quota allotments for legally blind children
   c. administers the Special Education Training and Resource Center (SETRC) network
   d. coordinates the provision of training programs regarding educational decision making for children with handicapping conditions
   e. coordinates activities related to the education of youth under the responsibility of State agencies.
   f. development and dissemination of informational documents regarding the provision of special education programs and services in New York

9. Early Childhood Unit (518-474-5804):

   a. administers Early Childhood Direction Center (ECDC) network

   b. reviews Family Court petitions children below five years of age who have educationally handicapping conditions

   c. reviews applications for services for deaf infants under the age of three.

XVII

LAWS AND REGULATIONS
(Pertaining to Pupils With Handicapping Conditions)

A. Education Law

1. Article 81:

Provision is made for the education of children residing in child care institutions. Included are pertinent definitions, educational program options, tuition and maintenance reimbursement procedures, financial responsibility, placement and evaluation of children, and determination of residence procedures.

2. Article 85:

Provision is made for the admission, instruction and support of children who are deaf and/or blind in state-operated and state-supported schools for the deaf and blind.

3. Article 87:

Provision is made for the operation, administration and support of the New York State School for the Blind at Batavia.

4. Article 88:

Provision is made for the operation, administration and support of the New York State School for the Deaf at Rome.

5. Article 89:

This article controls the education of pupils with handicapping conditions. Basic definitions are given, duties of school districts and of the Education Department are described and appeal procedures are provided. Also included are provisions for computing financial responsibility, family court procedures and other special provisions proceedings.

6. Section 3202, subdivision 4, paragraphs a, b & c:

Provision is made for the education of children with handicapping conditions placed in free family homes and family homes at board, responsibility for expenditures incurred for their instruction and for determination of residency.

7. Section 3202, subdivision 4, paragraph d:

Provision is made for the computation of tuition in accordance with regulations of the Commissioner.

8. Section 3202, subdivision 5, paragraphs a, b, c:

Provision is made for the education of children for whom the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities are responsible. Such children may reside in schools operated by the OMR/DD, in a family home at board, a duly incorporated orphan asylum, or some other institution for the care, custody and treatment of children.

Provision is also made for the support of and aid for instructional and other services.

9. Section 3202, subdivision 5, paragraph d:

Provision is specifically made for the education of children residing in an Intermediate Care Facility for the mentally retarded. Responsibility is fixed and aid for instructional and other services is provided for.

10. Section 3602, subdivision 7:

Provision is made for payment of aid for approved expenditures for pupil transportation.

11. Section 3602, subdivision 11:

Approved operating expenses are defined.

12. Section 3602, subdivision 19:

Provision is made for payment of Excess Cost Aid for expenditures incurred for the education of pupils with handicapping conditions in programs and services provided by local public school districts and Boards of Cooperative Educational Services. Included are definitions of: pupils with handicapping conditions, weightings, expense per pupil, resident weighted pupils, excess cost aid ratio, excess cost aid, and additional high cost aid.

13. Section 4201:

This is the first section of Article 85. The state-supported and state-operated schools for the blind and deaf are listed. Also listed are the duties of the Commissioner with regard to such schools and children in attendance in such schools.

14. Section 4402:

This is the second section of Article 89. It addresses itself to the duties of the local school districts as regards the identification, evaluation, placement, and provision of suitable educational programs and services to children with handicapping conditions.

B. Chapters of Law (These Chapters generally amend other sections of Education Law previously listed)

1. Chapter 241, Laws of 1974:

Provision is made for additional weighting of attendance of pupils with handicapping conditions for the purpose of computing operating aid. Subdivision 17 is added to Section 3602 to provide State Aid for pupils with severely handicapping conditions to the Big 5 city school districts (Special Services Aid).

2. Chapter 1060, Laws of 1974:

Provision is made for the education and reimbursement of instructional costs for pupils with severely physically handicapping conditions in attendance at the Human Resources School in Albertson, Long Island.

3. Chapter 853, Laws of 1976:

Provision is made for the payment of Excess Cost Aid to local school districts for children with handicapping conditions in attendance in private schools.

4. Chapter 47, Laws of 1977:

Provision is made for the education and reimbursement of instructional costs for mentally retarded children placed by the Department of Mental Hygiene in a family home at board, a duly incorporated orphan asylum or other institution for the care, custody and treatment of children. A "basic contribution" is charged back to the district of residence for children placed on or after July 1, 1977.

5. Chapter 786, Laws of 1978:

Provision is made for the payment of Excess Cost Aid for pupils with handicapping conditions in attendance in public schools or BOCES

6. Chapter 66, Laws of 1978:

Provision is made for the education and reimbursement of instructional costs for mentally retarded children residing in schools operated by the Office of Mental Retardation and Developmental Disabilities. A "basic contribution" is charged back to the district of residence for children placed on or after July 1, 1978.

7. Chapter 721, Laws of 1979:

Provision is made for the education and reimbursement of instructional and transportation costs for children residing in Intermediate Care Facilities for the developmentally disabled. A "basic contribution" is charged back to the district deemed to be the district of residence for children placed on or after July 1, 1979.

8. Chapter 53, Laws of 1979:

Provision is made for several changes in the computation of Public Excess Cost Aid.

9. Chapter 53, Laws of 1980:

Provision is made to repeal former subdivision 19 of Section 3602 of the Education Law relating to payment of "excess cost" aid and adding a new subdivision 19 making several changes in the computation of such "Public Excess Cost" Aid.

10. Chapter 53, Laws of 1981:

Provision is made to repeal former subdivision 19 of Section 3602 of the Education Law relating to payment of Excess Cost Aid and adding a new subdivision 19 making several changes in the computation of such "excess cost" aid.

11. Chapter 947, Laws of 1981:

Provision is made for the evaluation of the educational needs of children placed in residential inpatient psychiatric treatment facilities and assigns financial responsibility for the cost of educational services to such children.

C. Commissioner's Regulations

Part 174:

Provision is made in this Part of the Commissioner's Regulations for the computation of tuition charges. Included are:

Section 174.1: Definitions

Section 172.2: Computation of tuition charges for non-resident pupils

Section 174.3: Computation of tuition charges for pupils who have received a high school diploma.

Part 175:

Section 175.8, a: Provision is made for reimbursement to a school district for the net cost of instruction for pupils who formerly resided in a school for the mentally retarded operated by the Section 175.8 Office of Mental Retardation/Developmental Disabilities which have been placed in a family home at board, a duly incorporated orphan asylum or other institution for the care and custody of children.

Section 175.8, b: Provision is made for reimbursement to a school district for the net cost of instruction for pupils who reside in a school for the mentally retarded operated by the Office of Mental Retardation and Developmental Disabilities and who are receiving educational and related services in the schools of the district where such school for the mentally retarded is located.

Section 175.8,c: Provision is made for reimbursement to a school district for the full cost of instruction for pupils who reside in an Intermediate Care Facility licensed by the Office of Mental Retardation and Developmental Disabilities and who are receiving educational and related services by the district where such Intermediate Care Facility is located, such reimbursement being made to the district through the I.C.F..

Section 175.6: and 175.11(a) — Calculation of attendance for pupils with handicapping conditions

Section 175.11(b): Definitions of "sixty percent of the school day" and "twenty percent of the week" are provided for use in determining additional weightings for pupils with handicapping conditions.

Part 200:

Provision is made in this Part of the Commissioner's Regulations for the administration of educational services for children with handicapping conditions. Included are:

Section 200.1: Definitions

Section 200.2: Board of Education responsibilities

Section 200.3: Committee on the Handicapped

Section 200.4: Procedures for referral, evaluation, individualized education program (IEP) development, placement and review

Section 200.5: Procedural due process

Section 200.6: Continuum of services

Section 200.7: Program standards for education programs for pupils with handicapping conditions being educated in private schools and State-operated and State-supported schools.

Section 200.8: State assistance for instruction of pupils with handicapping conditions pursuant to Section 4406 of the Education Law

Section 200.9: State reimbursement to private schools and special act school district educating pupils with handicapping conditions who have been enrolled pursuant to Article 89 of the Education Law.

Section 200.10: Reimbursement to certain State-operated and State-supported schools for blind, deaf and severely handicapped children pursuant to Articles 85, 87 and 88 of the Education Law and Chapter 1060 of the Laws of 1974 and to facilities approved pursuant to Section 4204-a of the Education Law.

Section 200.11:	Admission to public schools of children residing in facilities of OMH and OMRDD or children care institutions.
Section 200.12:	State assistance for the transportation of pupils with handicapping conditions pursuant to Section 4405 of the Education Law.
Section 200.13:	Educational programs for autistic children
Section 200.14:	Education programs